

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

JACKIE PECK

Plaintiff,

vs.

MIDLAND FUNDING, LCC and
JOHNSON MARK, LLC

Defendants.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANTS'
MOTION TO STRIKE EXHIBIT C
TO THE MEMORANDUM IN
SUPPORT OF PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

Case No. 2:11-CV-611 TS

This matter is before the Court on Defendants' Motion to Strike Exhibit C to the Memorandum in Support of Plaintiff's Motion for Summary Judgment.¹ Defendant argues that this exhibit is irrelevant to the instant matter and is highly prejudicial pursuant to Rule 403.² Rule 403 states “[t]he court may exclude relevant evidence if its probative value is substantially outweighed by a danger of . . . unfair prejudice.” This rule provides no basis for striking the exhibit from the pleadings. The Court is capable of excluding irrelevant or prejudicial evidence

¹ Docket No. 25.

² Fed. R. Evid. 403.

from its own consideration, and if this case proceeds to trial, Defendants' may file a motion in limine to exclude evidence at that time.

Based on the foregoing, it is hereby

ORDERED that Defendants' Motion to Strike Exhibit C to the Memorandum in Support of Plaintiff's Motion for Summary Judgment (Docket No. 25) is DENIED.

DATED March 27, 2012.

BY THE COURT:



TED STEWART
United States District Judge